

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KAYTHAN CAPITAL LLC,	)	Case No.: 11-CV-02083-LHK
	)	
Plaintiff,	)	ORDER ADOPTING REPORT AND
v.	)	RECOMMENDATION AND
	)	REMANDING ACTION TO SANTA
MARIA GOMEZ, ET AL.,	)	CLARA COUNTY SUPERIOR COURT
	)	
Defendants.	)	

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On May 24, 2011, the Honorable Magistrate Judge Howard R. Lloyd made a report and recommendation to summarily remand this case to the Santa Clara County Superior Court for lack of subject matter jurisdiction. *See* May 24, 2011 Report and Recommendation [dkt. #4]. The Report and Recommendation noted that the removing party, Defendant Gomez, is a “local Defendant” and thus does not have the right to remove the action to federal court based on diversity jurisdiction under 8 U.S.C. § 1441(b). *See id.* at 2.

This matter was transferred to the undersigned on May 26, 2011. No objections have been filed, and the time to file objections has expired. Having reviewed the Report and Recommendation, as well as the record in this case, the Court finds that the Report and Recommendation is well-founded in fact and in law. Therefore, the Report and

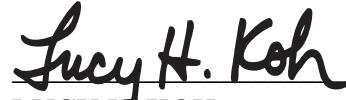
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Recommendation is adopted in its entirety. This action is REMANDED to the Santa Clara County Superior Court.

**IT IS SO ORDERED.**

Dated: June 29, 2011



LUCY H. KOH  
United States District Judge